

**72-5-305 Term of grant -- Abandonment.**

- (1) In accordance with the terms of the R.S. 2477 right-of-way grant, once accepted, an R.S. 2477 right-of-way is established for a perpetual term.
- (2)
  - (a) Abandonment of any R.S. 2477 right-of-way shall only take place in accordance with the procedures in Part 1, Public Highways, of this chapter.
  - (b) If any R.S. 2477 right-of-way is abandoned by a political subdivision of the state, the right-of-way shall revert to the state.
- (3) The passage of time or the frequency of use of an R.S. 2477 right-of-way is not evidence of waiver or abandonment of the R.S. 2477 right-of-way.
- (4) An R.S. 2477 right-of-way continues even if the servient estate is transferred out of the public domain.

Renumbered and Amended by Chapter 270, 1998 General Session